

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

EXPRESS MOBILE, INC.,

Plaintiff,

v.

BIGCOMMERCE, INC.,

Defendant.

Civil Action No. 2:17-cv-00160

JURY TRIAL DEMANDED

**DECLARATION OF ROBERT KIDDIE IN SUPPORT OF EXPRESS
MOBILE'S RESPONSE TO DEFENDANT'S AMENDED MOTION TO DISMISS
FOR IMPROPER VENUE**

I, Robert Kiddie declare as follows:

1. I have personal knowledge of the matters set forth herein and if called, I could competently testify thereto.

2. I make this declaration in support of Plaintiff's Response to Defendant's Amended Motion to Dismiss for Improper Venue.

3. I am an attorney licensed to practice law in the State of Texas as well as the federal courts for the Eastern and Southern Districts of Texas.

4. I am an attorney at Devlin Law Firm LLC, and am counsel of record for Plaintiff Express Mobile, Inc. in the above-entitled action. My work as an associate of Devlin Law Firm is performed remotely from my home office located at 2421 McCook Dr., Georgetown, TX 78626.

5. On or about March 31, 2015 I submitted Form 301 to register Express Mobile, Inc. to transact business in Texas through the Texas Secretary of State's online portal located at <https://direct.sos.state.tx.us/acct/acct-login.asp>.

6. Form 301 requires only that a corporation “[p]rovide the street or mailing address of the corporation’s principal office.” *See* <https://direct.sos.state.tx.us/help/help-corp-filing-301.html>.

7. Form 301 does not state that this address must be a Texas address. *See* <https://direct.sos.state.tx.us/help/help-corp-filing-301.html>.

8. Form 301 further requires a corporation to designate a registered agent and provide an office address for the registered agent at which the registered agent may accept service of process during normal business hours. *See* <https://direct.sos.state.tx.us/help/help-corp-filing-301.html>.

9. On information and belief, the records on file with the Texas Secretary of State pertaining to Express Mobile’s registration to transact business in Texas are publicly available by logging on to the website for the Texas Secretary of State and requesting the documents.

10. I never presented to the Secretary of State that Express Mobile’s business address was 2421 McCook Dr., Georgetown, TX 78626.

11. I provided my home office address as the registered agent address for Express Mobile.

I declare under penalty of perjury under the laws of the United States that to the best of my knowledge and recollection the foregoing is true and correct.

Executed this 16th day of June, 2017.

/s/ Robert Kiddie

Robert Kiddie

Counsel for Express Mobile Inc.